IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 20TH NOVEMBER 2007 / 29TH KARTHIKA 1929

WP(C).No. 34066 of 2007(E)

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PETITIONER:

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P.PARAMESWARAN, PARAMBILTHODI VEEDU,
MORAYOOR P.O., MALAPPURAM DISTRICT,
PIN-673 649.

BY ADV. SRI.JOSEPH SEBASTIAN PURAYIDAM
SMT.MABLE.C.KURIAN

RESPONDENTS:

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1. JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES, MALAPPURAM.

2. GENERAL MANAGER, MALAPPURAM DISTRICT CO-OPERATIVE BANK NO.4329, MALAPPURAM.

3. THE PRESIDENT, MALAPPURAM DISTRICT CO-OPERATIVE BANK NO.4329, MALAPPURAM.

BY ADV. SRI. ANU SIVARAM, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN , J.

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W.P.(C). NO. 34066 OF 2007

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Dated this the 20th day of November, 2007.

**JUDGMENT**

In the nature of the order being passed hereunder, notice to respondents 2 and 3 is dispensed with, however leaving them with an opportunity to seek review of this judgment, if aggrieved.

2. The learned Government Pleader appeared for the 1st respondent.

3. The petitioner states that he was a clerk in the service of the 2nd respondent and disciplinary proceedings ended in termination of his service. He filed Ext.P1 invoking Rule 176 of Co-Operative Societies Rules. That matter is pending from 2005. He has sought for a direction to compel the 1st respondent to dispose of Ext.P1 in accordance with law. With the coming into force of Act 1 of 2006 with effect from 02.01.2003, the disputes between the employer-society and its employees, in the realm of service disputes, fall within the exclusive domain of Section 69 of the Act. Therefore, the Division Bench of this Court laid down in **Raveendran v. State of Kerala**

(2007(3) ILR Kerala 241) that the Registrar cannot exercise powers under Section 176 in relation to said matters. The situation in hand, therefore, does not call for any direction to the 1st respondent as sought for, for the simple reason that the 1st respondent does not have the authority under Section 176 to decide on the matter in relation to which Ext.P1 is filed. However, the petitioner cannot be left with no remedy. The passage of nearly 2 years of submission of Ext.P1 calls for a direction to the 1st respondent to transmit Ext.P1 to the competent Arbitration Court which will register it in terms of Section 69 of the Co-Operative Societies Act and deal with the same in accordance with law.

4. This writ petition is hence disposed of directing the 1st respondent to transmit Ext.P1 to the competent Arbitration Court to be dealt with in terms of Section 69 of the Act. This shall be done within an outer limit of two weeks of the production of a copy of this judgment before the 1st respondent.

**THOTTATHIL B. RADHAKRISHNAN,**
**JUDGE.**

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